



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 20/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6492 of 2021

Kamalpandi

... Petitioner/Accused No.1

Vs

State Rep. by  
The Inspector of Police,  
Nagamalai Pudukottai Police Station,  
Madurai District.  
Crime No.107/2021.

...Respondent/Complainant

For Petitioner : Mr.MP.S.Amalan,  
Advocate.

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For a Bail in Crime No.107 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is in custody from 16.04.2021, for the offences under Sections 399 IPC and Section 83(2) of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime NO.107 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.04.2021 at about 5.00 am, when the respondent police were in surveillance, the accused in this case lead by this petitioner planned to commit dacoity. Hence this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the respondent police in the First Information Report. He would further submit that it is a put up case. It is his further submission that the petitioner has been in judicial custody from



4. The learned Government Advocate appearing on behalf of the respondent police submits that the petitioner is having one previous case that too under Section 75 of Cr.P.C., and he has strongly opposed to grant bail to the petitioner.

5. After hearing the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, it is seen that the petitioner has been arrested only on suspicion of having prepared to commit robbery. The co-accused also released on bail by the Principal Sessions Court, Madurai in Cr.M.P.No.2576 of 2021, on 27.04.2021. Considering the facts and circumstances of the case and also considering the fact the petitioner is in custody for more than a month, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai.

ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
20/05/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
  - 3 THE INSPECTOR OF POLICE  
NAGAMALAI POLICE STATION,  
MADURAI DISTRICT.
  - 4 THE SUPERINTENDENT,  
CENTRAL JAIL, MADURAI.
  - 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.6492 of 2021  
Date :20/05/2021

VRN/MR  
JM/JC/SAR IV/21.05.2021/3P/6C